

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO/OAKLAND DIVISION

Defendants.

## STIPULATION AND ORDER CONTINUING DEADLINES

WHEREAS, the United States Supreme Court recently granted review of three decisions issued by the United States Court of Appeals for the Ninth Circuit on March 3, 2010 including the decision upholding the preliminary injunction in this case, in *Maxwell-Jolly v. California Pharmacists Ass'n*, U.S. Supreme Court Case No. 09-1158; and

WHEREAS, the parties are currently considering the implications of this certiorari grant for trial court proceedings in this case; and

WHEREAS, the parties have collectively taken more than 20 depositions and exchanged over 15,000 pages of discovery, and are currently expending significant resources in order to comply with the present non-expert discovery cut-off of February 28, 2011 and expert disclosure deadline of March 21, 2011; and

WHEREAS, the Court has previously adjusted deadlines in this case seven times but has extended the discovery, case dispositive motions, and trial dates only three times (Dkt. #281, 406, 413); and

IT IS HEREBY STIPULATED between the parties through their respective counsel that, subject to Court approval, the completion of fact discovery and expert discovery deadlines shall be postponed by 14 days as reflected in the schedule set forth below, to give the parties time to consider the implications of the certiorari grant upon these proceedings, but that this 14-day extension shall not require any change to the schedule for dispositive motions and other deadlines in the case:

Completion of Fact Discovery ..... 3/14/11

Disclosure of identities and reports of expert witnesses

Initial ..... 4/4/11

Rebuttal ..... 5/5/11

Completion of Expert Discovery ..... 6/6/11

Dated: January 26, 2011

Respectfully submitted,

STEPHEN P. BERZON  
SCOTT A. KRONLAND  
STACEY M. LEYTON  
PEDER J. THOREEN  
ANNE N. ARKUSH  
Altshuler Berzon LLP

By: /s/ Stacey M. Leyton

Attorneys for Plaintiffs

Dated: January 26, 2011

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
SUSAN M. CARSON  
Supervising Deputy Attorney General  
JENNIFER A. BUNSHOFT  
Deputy Attorney General

By: /s/ Susan M. Carson  
Attorneys for State Defendants

Dated: January 26, 2011

Respectfully submitted,

MICHAEL G. WOODS  
TIMOTHY J. BUCHANAN  
MANDY L. JEFFCOACH  
McCormick, Barstow, Sheppard,  
Wayte & Carruth LLP

By: /s/ Timothy J. Buchanan  
Attorneys for Fresno Defendants

GENERAL ORDER 45 ATTESTATION


I, Stacey M. Leyton, am the ECF user whose ID and password are being used to file this stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that Defendants' counsel have concurred in the filing of this document with their electronic signatures.

Dated: January 26, 2011

By: /s/ Stacey M. Leyton  
Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 3, 2011

  
Honorable Claudia A. Wilken  
United States District Court Judge